



T H E
EXECVTION OF NESCHECH
and the confyning of his Kinsman
T A R B I T H.

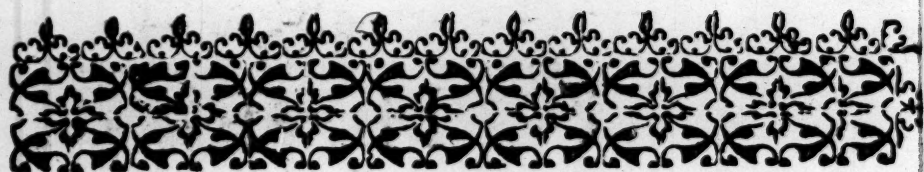
O R
A S H O R T D I S C O U R S E,
shewing the difference betwixt damned *Usvrie*,
and that which is *Lawfull*.

WHEREVNTO THERE IS SVBIOYNED
an EPISTLE of that Reuerend and judicious D I V I N E
M^r IOHN CALVIN, touching that same argument:
faithfully translated out of LATINE.



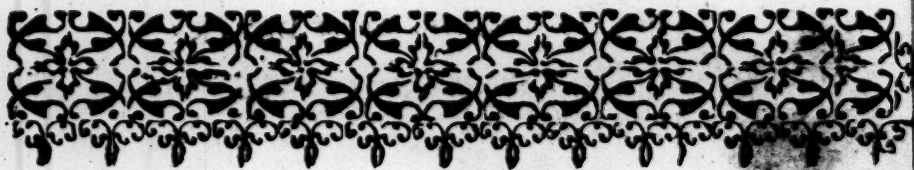
E D I N B U R G H,
P R I N T E D B Y A N D R O H A R T,
For Christopher Pounder, Stationer in Norwich, and are
to be solde at his Shop, At the signe of the Angell.

In the Yeere of our LORD 1616.



THOMAS AQUINAS.

*Usura in sacris literis multipliciter
accipitur, sicut superabundantia oritur
ex usu contra Legem, aut ex usu Le-
galiter.*



per
qu
cu



Serenissimo & Potentissimo

PRINCIPI
IACOBO

D.G. MAGNÆ BRITANNIÆ,
FRANCIAE ET HIBERNIAE
REGI, Fidei defensori, &c.



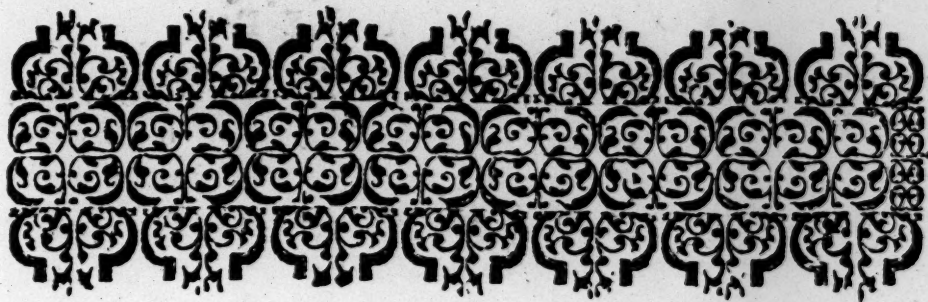
Non sum nescius
(Serenissime REX)
quàm difficilis ad Sacram Ma-
jestatem vestram sit aditus te-
nuitati meæ : Semperque fuit
& erit mihi Religio in re su-
pervacua tantum Regem interpellare. Quum vero
quidam calumniæ telum in me jecerit quasi hæreti-
cus essem : quod aliquam *U S V R A M* Legitimam
esse

esse dixerim : Opere prætium visum est provocare ad
vestram Majestatem, cujus judiciosissimo suffragio, si
mea sententia comprobata fuerit, susque deque fero
quid maledici carpant : E contra si displicuerit : dam-
na, abjice, mutabo sententiam : Non huc ambitio aut
novitatis ventus me impulit, jam diu (ingenue testor)
propositum mihi bene latere, nulli minus arridet fu-
riosa ista scripturientium libido : veritatem tamē quam
ex probatissimis nostri sæculi Theologis didici pro-
dere non oportuit : Operam dedi ne vestræ Majestati
fastidio esset mea prolixitas hoc solum vereor ne dum
brevis esse laboro obscurus fiam.

DEVS coelestis Pater celsitudinem vestram diri-
gat, Majestatem sustineat, tueatur, gubernet,
diutissimeque incolumen ad bonum totius or-
bis Christiani conserve.

*Vestræ Majestatis humillimus,
obsequentissimus, & fidelissimus, subditus
& servus, Joh: Spolnerus.*





To the Christian R E A D E R.



N this unmercifull
Age, wherein there is no spare
of Paper and Inke, I euer re-
member the Preacher, where hee
sayeth, My sonne, take heede,
for there is none ende in ma-
king manie Bookes, Omnes
sibi usurpant scribendi offi-

Eccl. 12.
12.

cium, saith PETRARCH, quod paucorum est & cum
scribunt, memoribus curis idoneum tempus labitur.
They are sowing their seede in the winde, and seeking af-
ter fame, whereas they had better bee sowing Corne on
their land: I haue therefore, beene euer more desirous in-
fundere quam effundere, more willing to gather for
mine owne vse, than to impart where there was no neede.
But aboue all, I haue euer forborne to wade into controuer-
sies, knowing polemicke discourses rather to breede than
to ende strife. Yet the importunate request of a friende,

To the R E A D E R.

who was desirous to bee resolved, for his conscience sake, whether the taking of anie gaine for lending were altogether forbidden in holie SCRIPTURE under paine of condemnation, as hee had heard it urged. His earnest desire to bee satisfied in a doubt of such weight: Againe, my loue to him, and my Profession requiring no lesse, altogether so preuailed with mee, that I was perswaded to open my minde, and giue him my best resolution. Not long after I heard great exceptions were taken against my opinion, my selfe charged with want of reading, and want of judgement: and that which was worst of all, want of a good conscience. This made mee to reuise the copie of that letter I had sent my friende, and to communicate it with some graue DIVINES, whose judgement I reuerenced: Whome when I founde to agree euerie way with my selfe: partlie encouraged by their consent, and partlie that the suppressing thereof shoulde not seeme to them that had wronged mee before, to proceede from timorousnesse, I was willing that more copies thereof shoud goe abroade. But afterwarde, seeing some copies negligentlie written, and fearing worse measure when my EPISTLE should come to worse handes, beeing earnestlie also intreated by diuerse of honest disposition, to publish it for the satisfaction of manie tender consciences, who would gladlie bee resolved what to doe in such cases. In those respectes I consented to make my selfe the subject of censure: accounting it my hard hap, that I should seeme to fauour anie euill, the verie name whereof was odious, and hath beene in all Ages so vniuersallie condemned.

But who so shall with judgement reade my Letter from the beginning to the ende thereof, consider my drift, weigh my ar-

To the READER.

my arguments, and looke into my principall ouerture, they shall soone see I intende nothing lesse than the countenancing of that crueltie forbidden by GOD, and abhorred by men. I would rather call upon all the powers ordained of GOD, that they would hearken vnto the complaints and cries of them that are oppressed with damned Usurie. And seeing the pestiferous practisers thereof doe cloake their doings so manie sundrie wayes, that they cannot bee descryed, that Magistrates therefore, they would finde out such like HERCVLES, qui invenit Cacus illum qui inversos boves præposterè trahebat: and that they would drawe out these Caconistes out of their Dennes, who would seeme to benefite the Worlde, when the trueth is, they doe but lye in waite to drawe men into their Dennes, and so to deuoure them.

If I keepe not the same course to this ende which other men haue stirred before, it is because, in my judgement, they sailed by a faultie compasse. It may bee some shall thinke and say no lesse of mee, that I haue done the like, as it may bee I haue, for humanum est labi, &c. I wish heartilie, that they who finde the fault may amend it, and as spirituall men (6. GAL. I.) they would restore with the spirit of meeknesse, and that trueth and peace may meet in loue. But if anie through wantonnesse of wit shall maliciouslie wrest our wordes, and bee captionlie criticke, Bee it knowne vnto such, I meane not to make them my judges, sed miseros esse jubeo libenter quatenus id faciunt. Ad reprehendenda aliorum dicta aut facta ardet omnibus animus, saide SALVST. And the Age of the worlde rendreth it euerie day after other, the more malicious. But a cleare conscience scorneth all calumnies, and can shake

To the R E A D E R.

them off as easilie as PAUL did the Viper off his hand: my
conscience beareth mee witnesse, scripsi hæc pauca patriæ
& posteris profuturus non quærens nudum nomen
nec laborans scribendi morbo illo insanabili, my desire
is to doe good to the Church and Commonwealth, disdain-
ing all pointes of ydle skill, I beseech thee Reader to be
possessed with no prejudicate conceit, nor to judge of the
whole by anie one passage, but to suspende thy judgement
till thou hast gone thorow all: In doing so, I shall bee
beholden to thy courtesie, and I hope shall please thee bet-
ter in my next Labour, which shall bee farre from contra-
uersie, and I hope shall serue both to thy pleasure and pro-
fite: FARE-WELL.

Thine in the LORD,





T H E
EXECVTION OF NESCHECH,

And the confyning of his Kinsman

T A R B I T H.

O R,

A short discourse, shewing the difference
betwixt damned Usurie,
and that which is lawfull.

Written to his right louing

FRIEND, E. S.



HEREAS it was your
desire to heare my judgement
concerning that point which
you thinke too much vrged:
I am sure, enough dispute in
our time, namelie, Which is
that U S V R I E altogether
condemned, and vnlawfull.

Againe, how farre Usurie may bee tolerate in a Chri-
stian Commonwealth. I haue therefore, so brieflie

B

as I

as I could, set downe my minde touching this morall point of Diuinitie, *In qua morali questione periculum est opinari*, saith *Aquinas*: wherein though I say nothing but that which hath beene saide before by men of greater Reading and ryper experience: yet it may bee I deliuer what I haue read and conceiued, so concislie and compendiously, as you shall the more quicklie in your judgement (which I know to bee sufficient) vnderstand the state of the question. Howsoeuer, I protest I desire not *mouere camerinam*, nor doe not loue to contrauert where the contrauersie lyeth = not so much in the thinges themselues which fall in question, as in the peruerse stubbornnesse of the Disputantes: I knowe the bramble of contrauersie hath beene the meanes to choake Religion, and our owne contradictions a maine cause of cherishing both Heresie and Athiesme. Let this our Discourse bee farre from such endes, which I would should tende to our owne better resolution: for if anie lust to bee contentious, (as th' Apostle PAVL saith, *1. Corinth. cap. 11. vers. 16.*) wee haue no such custome.

USVRIE certainly was neuer more condemned. Father *Basile*, if hee were aliue againe, who called Usurers Dogges, Monsters, Vypers, Deuilles, &c. he should heare them still as sharpelie censured, and called by their olde odious names, Vultures, Harpys, Aspes, and the sinne it selfe, called a damned sinne, Sodomie, Idolatrie, &c. Master *Iohn Caluine*, in his 385. Epist. *Mirum non est inquit quod Spiritus Sanctus inuehitur in variis locis Prophetarum, & Psalmorum aduersus*

Powels
posit.
pag. 40.
D. Pie
pag. 19.

Concerning Usurie.

II

*uersus vsuras : ferè enim ubi ad vsuram pecunia elocantur comites indiuidua accedunt crudelitas atque innumera-
rabiles fraudes & circumuentiones adeò rarum est eun-
dem probum esse, & fœneratorem : Yet hee himselfe
saith in his 290. Epist. Non licere ex pecunia fructum
stipulari affirmare non ausum. Againe in his 383. Epist.
Nullo testimonio Scriptura mihi constat vsuras omnino
damnatas esse. And after much debeating of contra-
rie argumentes, and answering an objection, made
out of the Gospell (Luke, cap. 6.) Mutuum date nil
inde sperantes, quæ male huc detorta est, saith he. He con-
cludes, Nunc igitur concludo iudicandum de vsuris esse non
ex particulari aliquo Scriptura loco, sed tantum ex æquitatis
& charitatis regula. By which it may be perceiued, that
Master Caluine did not condemne all contractes and
bargaines that goeth vnder the name of Usurie, and
are condemned by manie of our late Writers.*

If the practise of Usurie bee exercised to the poore
(saith one of our owne) it is intollerable: but incase
of Interest, and the state of Orphanes, in mutuall ha-
zarde, or hazarde publicke, simplie to disallowe, it
were to cut off all Traffique or Societie: For this sinne
is rather in the conscience, than in the act: therefore
no penaltie is imposed on it by GODS Lawe. Our
Lawes and the Emperiall Lawes haue tolerated eight
and tenne in the hundreth: So hee concludeth, Pru-
dence onelie directeth these matters, as the Loadstone
the variation of the Pole. Bullinger, Bucere, and He-
mingius, they teach also, that it is lawfull to take Vsuri-
e, but alwaies ruling our couenantes to equitie, loue,

and mercie. So that to condemne all Vsurie peremptorie, may seeme temeritie, since the hardest censurers thereof goe not farther than this, That Vsurie impropertie so called, is simplie vnlawfull. So they will haue Vsurie taken properlie and impropertie: Properlie it is taken for the vse of a thing, *Vsura tanquam rei vsus, unde lucis, vita, pecunia vsura ei concedi dicitur, cui uti luce, vita, pecunia conceditur*, Which none can condemne. The name of Vsurie (sayeth one GABRIELL POWELL, who wrote of late a Treatise against it) is not euill, but the abusing of it to euill trades and actions. And also Master Fenton, pag. 5. *U S V R A* at the first was a good honest word, sayeth hee.

Impropertie Vsurie is taken for the increase arising of the vse of a thing. And in this sense there may be manie sortes of Vsurie lawfull also: namelie, gaine that ariseth from the exercise of our lawfull calling is lawfull. Wee may lende to Vsurie to the LORD (PROVERB. CHAP. XIX. VERS. XVII.) in beeing mercifull to the poore. And so in employing all his giftes and graces to the aduancement of his glorie, and benefite of men. This is putting foorth his money to the Exchangers, LVC. CHAP. XIX. VERS. XXIII. which his seruantes at his seconde comming againe shall receiue *curtosa* with Vsurie.

To passe by these spirituall Vsuries, and mentall Vsurie too, which is saide to bee *quando mutans sub spe solum aliquid ultra sortem habendi dat mutuo*. To passe by all those, & come to that which is in question.
That

That Usurie which is so hardlie censured, that gaine or increase exacted for the verie dуетie of lending, called (Ciuilt, Actuall,) Usurie. THOMAS AQUINAS sayeth, *Erat dicta Usura à Philosophias quasi res, ex usu aris acquisita & est incrementum quod pecunia parit ex usu suo, vel qualibet res ex usu suo simili.* Thus it is defyned by our Writers, that haue written against it, *Pactum ex mutuo lucrum*, A couenanced gaine for loane: Whatsoever is without the compasse of these three tearmes, so Master *Fenton* saith in his first Booke and thirde Chapter: Of which these three seuerallie and jointlie cannot bee affirmed, such Usurie is not damned. So that before there can bee anie Usurie, first there must bee a Loane: Secondlie, a gaine for the Loane: and thirdlie, a couenant for the gaine.

But because heere might be objected, I may lende my Seruant to worke for a day, or my Horse to trauell one or more dayes, and may lawfullie take gaine, yea, couenant for gaine for the lending of either. Lending, therefore, or Loane, is distinguished into mutuation, and accommodation: *Accommodatio*, is when a man lendeth something, & looketh to haue the same againe in his indiuiduall propertie. This kinde of lending, although for gaine, goeth not, say they, for condemned Usurie: and the reason is, Because the owner standes to the hazarde: vnlesse it perish by default of him that hyred it. For which they alledge *Moses* words, *Exod, 22*: the words be these, If the owner stand by, to wit, that it may appeare that it is not in the borrowers default, the borrower shall not

make it good: for if it bee an hyred thing, it came for the hyre. It is not accomodation then, but mutation alone which is questioned. *Mutuum*, in which worde *meum tuum* are mutuallie contracted into one: for if I lende my Money or Corne, or anie such thing of mine, I make it thine for a time: Not so in lending of an Horse, saye they, for there they retaine the propertie, and thou hast onelie the vse. So in lending or letting of an House, or Land, for a time, wee keepe the propertie, and letteth the vse onelie. But when I lende the money, or such thing, I make it so thine, that I will not owne it, nor call thee to an account what thou hast done with it, because it is thine: vse it well or ill, I can haue no action against thee, neither doe I require the same thing in particular againe, but onelie in the like kinde, by weight, number, or measure, at the time. Now giuing this difference were certaine and true, as there are different opinions thereanent, (for *Scotus & Petrus de Palud. dicunt in usura transferri dominium rei. Thomas Aquinas and Bonauentura dicunt non transferri.* Yet heere it may bee objected, That a man parting with both vse and propertie, may seeme to deserue better and worthier a greater recompence, than hee that parteth with the vse alone. So that their argumentes of keeping the propertie, and lending the vse, shoulde rather weaken the cause. They adde, therefore, That there is great difference betwixt lending of Money, and the letting of House or Lande, or lending a Toole or a Beast: Namelie, the Lender or Letter of these hath a propertie in himselfe, and beareth the

reth the hazarde, and may sustaine losse by the lending of them, and therefore may lawfullie take a due-
 tie, hyre, or gaine for them. True it is, there may bee
 some losse in the vse of a Beast, or forbearing of a
 Seruant, or wearing out of a Toole: all of them maye
 bee the weaker and worser for the vse. But because it
 may bee objected, The like is not to be seene in Hou-
 ses and Landes: Houses manie times were the worse,
 if they were not inhabited, and Landes bring foorth
 Brambles and Thornes if they were not laboured. To
 this therefore they answere, That there is great oddes
 of lending or letting of Money, and letting of Houses
 and Landes: for Money, say they, is spent, and besto-
 wed in the first vse: as a Loafe of Bread lent by one
 neighbour to another. It is spent as soone as lende:
 Againe it is barren, and the increase thereof vnnatu-
 rall, and so is not the other. This Argument I finde
 answered by some after this manner, That there is
 sensible difference betwixt spending of a Loafe of
 Bread, and dispersing a summe of Money for gaine:
 for whereas the Loafe hath not a seconde vse, either
 to him that eateth it, or anie other: Money laide out
 remaineth the same summe *equivalent* to him that let-
 = teth it out to bee vsed againe by others. *Chemnitius*
 in his Treatise against Usurie confesseth, there is no
 great weight in such argumentes. And so Master
Fenton, in his second Booke, and 7. chap. confesseth
 such groundes to bee weake, and therefore such argu-
 mentes too much vrged. Yea, Doctor *Pie*, in his
 Booke called, The vnjured spirit of Usurie, pag. 7. he

alloweth a man to let out money for hyre, and these be his wordes, If I lende you tenne faire Soueraignes to beare in your Purse for a shewe, or to decoct them in a medicine for Physicke, and take vse for them, it is letting and hyring, saith hee. But if I lende you them to spende, then to take profite for them is Vsurie. Here are transcendent subtilties.

As for the other Argument, to wit, That money is barren, and the increase thereof vnnaturall, it is answered: Though money do not increase naturallie, as Corne and Cattell, but is barren in that respect: yet beeing an artificiall instrument of buying and selling, and transporting commodities from countrey to countrey: Necessarie, *quia non omnis fert omnia tellus*, by turning and returning, and by the skill of them that knowe howe to vse it. It is a fitte meanes, saith Doctor Willet on the 22. of Exod. (To increase.) Our stockes hauing artificiall increase, equall, yea, manie times passing the other: Neither is this turning or returning of money to bee condemned, vnlesse wee will condemne buying and selling also. A dissembling trade, as Salomon saith, *Prov. chap. 20. vers. 14.* and a dangerous trade for doing of wrong, *Eccles. 15.* But yet it must not bee altogether condemned.

So when wee haue followed the Argument to the last starting hole, there is no good satisfaction. But it would bee made clearer, why gaine may not bee taken as well for lending as letting: yea, as well as gaine is taken in buying and selling, and Merchandes exchange: which the hardest censurers of Vsurie thinkes
rashnesse

rashnesse to condemne. So haue wee examined the first worde of the definition, Namelie, *Mutuum*, or
 2 Loane. The seconde is *Pactum*, that is to say, Couenanted. Albeit there bee increase giuen and receiued for Loane, yet it is not condemned for Vsurie, except it bee done by some couenant or contract before. And this couenant they defyne a mutuall agreement vpon a certaintie. First, it must bee an agreement, that is, a voluntarie consent : for if a great man by his authoritie doe wring from an inferiour person, the loane of such a summe, which hee cannot spare without sensible detriment. To receiue recompence for the forbearing of such money, it is not Vsurie, saye they, but Interest. Againe, this agreement must be mutuall : for the one partie to agree to it, is no couenant. Thirdlie, mutuall agreement must bee reduced to a certaintie, to make it a couenant: for if it bee left vncertaine, and no conditionall couenant, that will not, say they, come within the compasse of Vsurie: As for example, A man lendeth his Neighbour money to trade withall, by which the borrower becommeth a gainer, and out of his thankefull minde doeth gratifie the lender with some share of his gaine. This is not condemned Vsurie, say they : or as THOMAS AQUINAS calleth it, *Improbum fœnus, quod hominem reddit infamem, sed fœnus liberale* : lawfull to giue, and to take, because not particularlie and certainelie couenanted for. So they make that (Couenant) to bee that which poysoneth the nature of the Loane. And the reason they giue, is, Because the
 C workes

workes of mercie, bountie, and fauour are not in their nature capable of bargaine and seale. To which it might bee objected, That all our workes shoulde bee seasoned with mercie, and that letting and selling, exchanging and equall aduenturing should not bee without mercie and fauour: and yet those are permitted to bee vsed vpon couenant. It is therefore worthie consideration, and not rashlie to bee rejected, what learned *Ianche*, vpon the Epistle to the *EPHESIANS*, hee deliuereth, It is lawfull, saith hee, to couenant for lucre, but vnder condition, either expressed in the Couenant, or else kepted in minde, that if the borrower gaine little or nothing, the Vsurie should bee little or nothing: *hoc postulat equitas & charitas*, saith hee: hee would haue bandes comming for the securitie of the Creditor, to preuent fraude in the debter: for it is greater reason, that the debter should trust the charitie of the creditor, than the creditor should relie vpon the fidelitie of the debter. And thus much for the seconde worde of the definition, *Paſtum*, or Couenant.

The thirde worde in the definition is *Lucrum*, or ³ Gaine. They choose Lucre, as the more proper word than Gaine, signifying Cleare-gaine, and Valuable-gaine. And whereas lending in this definition may bee the *Genus*, say they, this *Lucre* may bee *differentia*: excluding from Vsurie those cases: Expenses about the paying, recouering, or receiuing of the principall, making of assurances, costes, and charges of suites. Again, for the considerations of perilles, and dangers of

ers of hazarde, and of the exchanging of money. Againe, it putteth difference betwixt vnlawfull Usurie, and that which is lawfull Interest, or taking of a penaltie or forfeite for not paying of a summe at the time couenanted. For in Usurie men seeke to bee gainers, and in Interest onely that they bee no loosers. And they adde Cleare-gaine and Valuable-gaine, for a man may make a profitable couenant, for the loane of money without Usurie: As for example, A man oweth meetenne poundes, and I cannot tell howe to come by it: and hee commeth to mee for ten poundes more, which I grant to him, for putting in good securitie for twentie poundes: a profitable couenant to mee: But yet no Usurie, because no cleare gain. Againe, a Shoppe-keeper lendeth money freelic to a Chapman, that hee may buye his wares at his Shop, before anie other. This may be gain to the Shoppe-keeper, and cleare gain, but not valuable gain: It cannot bee valued at anie certaintie, if hee serue him as hee may bee serued at another Shoppe.

So the gain or Lucre in damned Usurie, is called Cleare and Valuable gain: and, as some thinke, most grudged at, because it is so great, and so sure a gain to the lender: and that it doeth neuer wearie of increase, as Trees and Cattell doe, but doeth multiplie the longer the lustier. So as a thousand poundes being set free to runne without decay, in threescore and ten yeeres prooueth, saye they, by that time, a Million, tenne hundreth thousand. These are vsed as maine argumentes, to make Usurie odious, but how iustlie

it shall bee perceiued in the reasons ensuing..

- Wee haue hearde the definition of Ciuill actuall Vfurie, which is commonlie condemned. It is *Patrum ex mutuo Lucrum*, couenanted Lucre for loane. This Lucre, say they, is condemned by SCRIPTURE, by Fathers, by Lawes Emperiall, by Councelles and Canon Lawes: yea, by Lawes municipall also: and in a worde, by reason it selfe, because it is against nature, and against the Commonwealth. First are brought out of Holie Scripture these authorities: First Exod. Chap. 22. vers. 25. When thou lendest to my people, that is, to the poore that is with thee: Thou shalt not bee (saith the LORD) as an Vsurer vnto him, Thou shalt not oppresse him with Vfurie. Againe,
2. LEVIT. chap. 25. vers. 35. If thy brother bee impoverished, and fallen in decaye with thee, thou shalt relieue him, Thou shalt take no Vfurie of him, nor vantage, Thou shalt not giue him thy money to Vfurie, nor lende him thy victualles for increase. Againe,
3. LEVIT. chap. 23. vers. 19. Thou shalt not giue to Vfurie to thy brother, Vfurie of Money, Vfurie of Meate, or anie thing that is put to Vfurie. Vnto a stranger thou mayest lende vpon Vfurie, but thou
4. shalt not lende to thy brother. Againe in the 15. *Psalm*. vers. 5. where the Psalmist hauing asked the question, Who are in the state of grace, and shall bee inheritors of Glorie? It is answered, Hee that hath not giuen his Money to Vfurie. Againe, in the 18. chapter of *Ezechiel*, He that hath giuen foorth vpon Vfurie, and taken increase, shall he liue? saith the Prophet. Againe
- in the

in the 22. chap. of *Ezechiel*, vers. 12. the Prophet taxing 6
the Citie of *Hierusalem* for manie abominations, hee
layeth to their charge taking of Usurie and augmen-
tation. The like wee reade in the 55. *Psal.* vers. 11. some 7
expounde the worde in that place, That Usurie de-
parted not from the wicked citie her streetes. Againe
Ierem. 15. 10. where the Prophet mentioneth lending 8
and borrowing vpon Usurie as odious things, where-
of hee purgeth himselfe as innocent. Last of all, the 28. 9
chap. *Prov.* vers. 8. Hee that increaseth his riches by
Usurie, saith *Salomon*, and Interest, gathereth for them
that will bee mercifull to the poore. These eight are
the chiefe places in Scripture, where Usurie is named.
The last fiue, at the least three of them, condemning
Usurie in plaine wordes, shutting out Vsurers from
Gods Tabernacle, *Psal.* 15. excluding them from eter-
nall life, *Ezech.* 18. and making them subject to tem-
porall curses, *Prov.* 18. But what that Usurie is, which
is condemned, we must goe backe to the Law and find
it: lest otherwayes we condemne the just with the vn-
just. *Perit omne iudicium* (saith *Seneca*) *cum res transit*
in affectum. Farre bee it from anie Christian, to bee
so farre carried, or rather miscarried with affection,
as to wrest the Scripture, or to bee of them of whome
TERTULIAN speaketh, *Cadem faciunt Scriptura-*
rum in rem suam, who doe sell SCRIPTURE to sup-
port a rotten building, or wring Blood out of SCRIP-
TURE in steade of Milke, making it to vvalke a
mile or two for their owne pleasure.

If wee take heede then to the first two aforesaide
places:

places: namelie, **EXOD. 22.** and **LEVIT. 25.** wee shall finde the Commandement in both places plaine and particulare: namelie, Wee must not impose Vsurie vpon the Poore with vs, or them that bee fallen in decaye: but rather freelie relieue them. If the Lord had not restrained the Commandement to the Poore and decayed, then there had been no scruple, nor question in the businesse: but to stretch out his Commandement, who is Wisedome it selfe, and to teach Him to speake, as though His restraints vvere ydle: let all mortall flesh take heede of presumption. They that vrge these places for condemning of all Vsurie, they pleade against it in a threefolde manner: First, say they, **GOD** vseth in his Law to expresse the greatest finnes, as Murther, Adulterie, Theft, &c. not for all this allowing whatsoeuer commeth not to that degree, but in the greater condemning the lesser. Againe, restraine both the first commandementes to the poore and decayed brother, It will not make a good argument, saye they, You may not take Vsurie from the Poore: *Ergo*, you may take Vsurie from the Rich. Thirdlie, howsoeuer the two first Lawes containe a prohibition concerning the Poore onelie: yet in the **xxv.** of **DEUT.** there is no difference of the Poore and Rich, but a generall comprehension of all **ISRAELITES** and members of the Church, which may appeare the better by the generall opposition made of that place of Strangers.

For answer to the first: There is no equalitie in this comparison: **GOD** forbidding Murther, Adulterie,

terie, Theft, &c. hee forbiddeth Enuye, Hatred, vnchaste or griedie lustes, as well as the outwarde and great sinne: *Ergo*, forbidding to take anie vse for that which is lent to the poore, hee forbiddeth to take anie vse at all from anie other. There can bee no such consequence. These commandementes of the morall Lawe, 6. 7. 8. they are generall, the verie Lawe of nature written by GOD in the heartes of men: howsoever one writeth, some Borderers to haue bene so grosse as to thinke the eight Commandement one of King HENRIES putting in. Wee must neither murther Poore nor Rich, bee vnchaste with poore or rich, steale neither from poore nor rich, &c. But GODS Commandement not to put to Vsurie, *hoc preceptum non tam late patet*, it hath no such largenesse. Hee who was wise enough to tell vs his owne will, blessed for euer, Thou shalt not, saith Hee, impose Vsurie vpon the poore, or take Vsurie of thy brother that is decayed: These are the parties that we must not oppresse with Vsurie, and to them is the Commandement restrained.

Fenton
pag. 123.

As to the seconde: If it should bee granted, saye they, that this Commandement should bee restrained to the poore: yet it will not followe vpon this, Thou shalt not take Vsurie from the Poore, *Ergo*, thou mayest take it of the Rich.

They that should haue leaue to make their owne argumentes and their neighbours also, the lesse Logicke will serue their turne. These and such like Sophistications, doe rather prejudicate the cause than

make it better. That which is vrged is this, GODS Commandements in these places, for not taking Vsurie, are restrained to the Poore alone : it is forbidden onelie to bee taken of them. It cannot, therefore, bee concluded out of these places, that it is altogether forbidden to bee taken from anie at all.

I haue read some arguments made in *Ferio* and *Baroco*, for the proouing of Vsurie to be vnlawfull, much more voyde of reason and arte also, than the other. In *Baroco* sayeth one, Money was inuented for commutation, but in Vsurie is no commutation : *Ergo*, Vsurie is vnlawfull : Where it should bee concluded, That money is not vsed in Vsurie to that ende it vvas inuented : Which beeing granted, would nothing prejudicate the cause : for howe manie thinges maye wee reckon out which are inuented to one ende, and yet lawfullie vsed to another ?

But let vs leaue caueling, and seeke after the trueth. The thirde argument that they alledge, is, That in the xxxiii. Chapter of *Deut.* wee haue a generall prohibition to take Vsurie from anie brother, or anie member of the Church : to which it is answered, In that place it must either bee that same Lawe repeated, or a Lawe of another nature : If the same, then for the right vnderstanding of this Lawe wee must goe backe to the other two places. But one of our owne Professors of Diuinitie, (Doct^r *Willet*, vpon the 22. of *Exod.*) telleth vs, This was a Politicall or Iudiciall Lawe, giuen to the *Israelites*, as it may appeare, by the one halfe of it, or seconde member of it: by which it
was

was permitted, to take Usurie of the Gentiles. But the speciall intendiment of the morall Lawe, is, That they shoulde not oppresse anie, especiallie the Poore, by Usurie.

And whereas some thinke that this was permitted to the *Jewes*, to take Usurie of the *Gentiles*, for the hardnesse of their heartes, as to giue their Wiues a Bill of Diuorcement. (So goeth the Note in the *GENEVA* Byble.) Hee sheweth, that it was not onelie permitted, but commanded as lawfull: for so the Commandement goeth, Thou shalt not giue to Usurie to thy brother, meaning an *Hebrew*. But to a stranger thou mayest lende. In other like cases, by their Politicke Lawes, the *Hebrewes* were priuiledged beyonde the *Gentiles*, as in all Countreys the naturall Inhabitanes are priuiledged aboue Strangers, that the one may growe rich, and the other kept the lower: As for example, By that same Lawe the debtes of the *Hebrewes* were remitted in the seuenth yeere, *Deut.* Chap. 15. vers. 3. so were not the Strangers, though they were *Profelites*, and conuerted to the *Jewish* faith. Againe, the *Hebrewes* seruantes were to goe free, if they woulde, in the seuenth yeere, *Exod.* Chap. 24. vers. 7. if they would not, yet in the fiftieth yeere, in the Iubilie, they were set at libertie, *Levit.* Chap. 25. vers. 54. But the strangers that were seruantes, were as their possession and inheritance for euer, they and their children, as yee may reade in the 45. verse of the same Chapter. The like priuiledge was heere concerning the *Hebrewes*: Although they might lawfullie
D take

take Usurie of Strangers, yet by that Politicke Law they could not take it of their brethren. And so saith *Tostatus* also, in his 16. quest. So that hauing examined all authoritie brought from Holie Scripture, wee may well conclude with Master *Iohn Caluin* vpon the 22. Chap. of *Exod.* *Vnde sequitur* (saith hee) *usuras hodie, non esse illicitas, nisi quatenus cum aequitate, & fraterna conjunctione pugnant.* Againe in his 383. Epistle, *Certum est durius loquutos Prophetas de usuris, quia nominatim inter Iudeos, interdicta essent: non videmus, autem nobis interdictas nisi quatenus repugnant, tum aequitati, tum charitati.* And so much for places of Holie Scripture alleadged.

As for Fathers, no question the Fathers both in the Easterne and Græcian Church, and in our Westerne and Latine Church, they condemned Usurie, as may appeare in their inuectiues against it: And so doe all good men, as it is taken in an euill sense, and as it agreeth not with equitie and mercie. The Church of G O D yet still thinketh all excessiue Usurie and extortion vnlawfull: yea, anie Usurie, *ubi amplius aliquid requiratur quam datur*, hauing to doe vvith them that are hand-shaken, as the *Hebrew* phrase goeth in the xxix. Chap. of *Leuit.* that is, in miserie, and pouertie, stretching foorth their handes for helpe. All such Usurie is still odious. But to saye, that all the Fathers did condemne all manner of Vsurie, this is sooner saide than prooued.

There resteth to consider howe farre Vsurie is condemned by Lawes and Reason: Lawes are either Ciuill,

uill, Canon, or Municipall. The Ciuill or Imperiall Lawes did generallie allowe, or tolerate Vsuries, *Vsuram centesima, dimidiam centesima, tertiam centesima, quartam centesima*: which, in my judgement, diuerse of the Learned doe mistake: thinking that the Imperiall Lawe did tolerate monstrous Vsuries, enen those which did excede the principall in one yeere. But it was farre otherwayes, as appeareth both out of the *Romane* Lawes, and by their histories: and well considered, both by Schoole-men and late Diuines and Lawiers in our owne time. *Bodin S. liure de la republique, fol. 801. Les dix Commissaires Deputez pour fair choixe des loix plus utiles à Rome ne volurent pas que l'usure fust plus hault qu'un denier pour cent par an qu'ils appelloient unciare par ce que l'usure de chacun mois ne reuenoit qu'à vne vnce, qu'estoit la douziesme partie d'un denier qu'un auoit emprunté, & l'usurier qui tiroit plus grand profit estoit condamné a rendre le quadruple: Ceste mesme loy fut depuis republiée à la requeste du Tribun Duilius l'an de la fundation de Rome, 396. & dix ans apres sous le consulat de Torquatus & Plaucius elle fust reduit a demy vnce par mois, & par an demy denier pour cent tellement que ne pouuoit egaller le fort qu'en deux cents ans: & tontefois l'annee suiuante l'usure fust entierement interdite par la loy cemutia pour les sedition ordinaires, qui aduenoyent de mespris des loix usuraires, car quelque moderation qu'on face des usures s'il est permis tant soit peu, on montera bien tost jusques au plus haut point: voila dit il, la defense en matiere de loix est inutile sans peine, & la peine illusoire si elle n'est executee. La loy Cemutia apres*

eſtant mal excecutee fuſt auſſy peu à peu aneantie, & la couſtume depravee laquelle eſt iouſiours plus fort que les bonnes loix alloient ſi à neant que on preſtoit à uſure à vingtquatre pour cent juſques à la loix Babinia, qui regle la plus haulte uſure (hors de faiet de la marine) à douz pour cent. So Aquinas in Opusculis, 63. cap. 2. Centesima (ſaith he) and emiola, who did equall the principall or the halfe, nor not tolerate, *hi modi uſurarum*, ſaith hee, à jure condemnati erant. Doctor L V T H E R obſerueth the ſame, Tom. 7. Tract. de Uſuris, fol. 23. & 24. Centesima uſura erat hac quando centesimo mense ſænus ſortem aquabat. Nehemias inquit qui ante tempus Alex. Magni fuit objurgauit ſæneratores, & fecit eos centesimas remittere, Nehem. 5. 11. Tam vetus malū inquit eſt centesima illa uſura. Uſura centesima ergo non erat talis qua aequi parabatur ſorti ei anno. It was not ſuch as did riſe to be equall to the principall in one yeere. Centesima illa dicebatur, qua in centenos aureos quotannis reddebat aureos duodenos ſingulis nimirum menſibus aureos ſingulos. It was but twelſe for an hundreth, which was permitted only in uſura nautica, in maritimis pecuniarum trajectionibus, quarum periculum creditores ſuſcipiebant. & propter hanc cauſam plus illis cōcedebatur: hac maritima uſura aut centesima erat ſumma, quam excedere nemo debebat. Vide conſtit. Juſtin. 20. ſub Tit. c. de uſuris. Uſuræ autem terreſtres reſtringebantur, & modus hic iis iure ciuili cōſtitutus erat. Juſtin. lege, perſonis illuſtribus, triens conceditur negotiatoribus bes interiecta conditioni ſemis. For the right vnderſtanding whereof, Scire oportet ſortem omnem quancunque ſit ad centenarium numerum reuocari. Deinde ſum-

mam

nam usuram esse quando pars sortis centesima singulis mensibus persoluitur, & quoniam ista ratione summa hac usura duodecem aureos efficit iuris consulti assem hunc usurarium appellant, In asse enim sunt duodecem uncie ubi animumaduertendum assem & omnes ejus partes non ex menstrua, sed ex annua pensione intelligendas, & sic nuncupatas. Si unus aureus nummus in centenos annuatim pendebatur, unciaria usura dicebatur, si bini sextans, si terni quadrans, si quaterni triens, si quini quincunx, si seni semis, si septem septima, si octoni bes, si nouem dodrans, si deni dextans, si undeni denx, si duodecem as, quem nullo casu nisi fœnere nautico permissum, superius diximus.

The moste then that was permitted by the Imperiall and Ciuill Lawe, was twelue of an hundreth, and that onelie to them that beare the aduenture of money transported beyonde the Sea: But vpon Land the most that was permitted was eight, *Argentariis & negotiatoribus bes hoc est, in centenos aureos maximum octo*, eight for an hundreth was permitted onelie to Merchantes, Goldsmithes, or Bankers: *Ceteris præter hos concessa erat semis hoc est in centenos maximum sex, nisi quod illustribus viris ultra trientes nõ erat permissum, hoc est in centenos maximũ quatuor*: that is, no others might take aboue fixe in the hundreth, and Gentlemen but fiae for their hundreth. Thus we see the Imperiall and Ciuill law permitted Vsury, but with such restrictions in the parties that tooke it, that no more equitable nor wiser cautions could be deuised. *Solon* did not prouide so well for his *Athens*: for of him it is vyritten,

Cum Athenas oppressas, & exhaustas per usurarios deprehendisset, ut huic malo medicaretur usura modum statuit, videlicet, ne quis supra centesimam acciperet. Hee permitted twelue for the hundreth, without exception of them that lent or borrowed : where the restrictions in the Imperiall Law did farre better moderate the businesse. And thus much for the Imperiall or Ciuill Lawe.

As for Councelles and Canon Lawe, It cannot be that wee finde in manie Councelles diuerse Canons against Vsurie, especiallie against Clergie men, that were Vsurers : and no question it was well provided: for, as Master *Iohn Caluine* saith, where Money is let out to Vsurie, crueltie and diuerse sortes of guile are continuall companions, and doe attende it. It beho-ued those reuerende Bishops, therefore, who stood in the gappe, and were to withstand these iniquities wherewith the world abounded, to stoppe the course of this euill amongst others, especiallie to restraine it in the Clergie, whose euill example could not other- wayes but scandalize the whole worlde. It is the cus- tome of the worlde, if they cannot spye the least blemish of all in them that are the face of the Church, to make no small matter of it : yea, they seeke occa- sion where to cauill and carpe at the best actions of holie men, pyking out argumentes out of their good workes, to iustifie their owne which are altogether naught. Such were they that cauilled at the bankes of money erected in *Italie*, for the helpe of the poore, vvhich were called *Montes Pietatis*. Now this *Mons*
Pictatis,

*Pietatis, Erat summa pecunia ordinata ex oblationibus
piorum, & reposita sub communibus custodibus in quaque
ciuitate qui stabant parati ad mutuandum egentibus cer-
tiam summam ad certum tempus accipientes interim pig-
nora à mutuantibus & erigentes pro recompensatione cu-
stodum quinque per annum.* Now some carpers at this
Holie action, they laboured to finde in this religious
and good worke somewhat that sauoured as they
thought of Vsurie, and made way for vnlawfull vses:
In so much as the cause came to bee disputed in the
Councell of *Laterane*, kept in the dayes of *Leo* the
tenth. But notwithstanding of all the oppositions and
objections made in the contrarie, the Councell at the
last allowed them, and by their decree confirmed
them, allowing them that kept them, to take *tot De-
narios singulis mensibus quot libras quisque susceperat à
monte*, which was fise in the yeere for the hundreth.

As for the Canon Lawe, otherwayes called, *ius
Pontificium*, concerning the cōstitutions of the *Romane*
Bishops, when by the liberties granted them by the
Emperour *Phocas*, they tooke vpon them the gouerne-
ment of Seculare matters, as well as Ecclesiasticke.

This of all other Lawes is moste peremptorie, and
doth condemne anie thing taken for loane, all Vsurie,
Encrease, & Interest whatsoeuer. But the reason there-
of may be this: The Clergie who had a chiefe stroke
in making the Canon Lawe, they were the more se-
uere against Vsury, because it was vnfruitful for them,
and they had not Tythes of Vsurers profites: & there-
fore, they made more seuerer Lawes against Vsurie,

than the predecessors the Emperours did: But the meane betwixt both, sayeth Doctor *Willet*, is fittest to be held. And this meane doe our owne Lawes keepe. The Common Lawe of this Lande referreth Vsurie to bee judged by the Ecclesiasticke Court. As for Statute Lawe, There was a Statute in King E D W A R D the sixth his time, forbidding all Vsurie, and Interest for Loane, vpon paine of forfeiting the principall summe, and imprisonment of the lender. But in the thirteenth yeere of the reigne of Queene E L I Z A B E T H, the inconueniencie of this Lawe beeing perceiued, it was therefore repealed, and the Statute in the 37. yeere of H E N R I E the eight reuiued, moderating excessiue Vsurie, and tolerating tenne in the hundreth. Which some men cannot endure should bee called tolerating and allowing of it, but leauing of it unpunished, like the men of *Bengala*, as Doctor *Boyes* sayeth in his *Postill*, concerning Absolution, they durst not call a Wolfe a Wolfe: but *consuetudo quæ ligat, & interpretatiuè Lex est*, as Master *Fenton* sayeth, pag. 85. Againe, the generall practise of the Lande, and the Common proceedings of the highest judgements therein, allowing men vse for their money, vwrongfullie detained, sheweth that is equitable, that a man should rather haue consideration for the forbearing of his money, than punishment for taking vse for it, if hee doe not excede. And thus much for Councelles, Canon Lawe, and our owne Municipall Lawe.

Nowe last of all, where they say, that Vsurie is vn-naturall

naturall, and contrarie to reason: Vnnaturall first: an ignorant objection, (sayeth one) made first out of *Aristotle*, That money begetteth not money. It is a weake argument, for the gaine that is raised out of anie thing is not alwayes the fruite of that same thing, but rather of his skill and industrie that doeth employ it. The Earth it selfe without labour of him that vseth it will yeelde in all small gaine. Againe, there is a lawfull increase & gaine made of artificiall things as well as naturall as Houses and Shippes. So although money it selfe hath no fruitfulnessse, *ex suo corpore non producit fructum*: yet a wiser than *Aristotle*, (*Ecclesiasticus*, chap. 10.) Money answereth all things, sayeth hee, I may pay with money that which hath a fruitfull vse, as Cattell or Lande: and why is it against reason, that I should lette my hundreth poundes in money as another letteth his hundreth poundes worth of Cattell or Lande? Againe, a man of better estate than my selfe borroweth of me an hundreth pounds, and therewith buyeth Landes, and out of his Landes receiueth the fruites and rentes thereof: is there good reason why hee should haue rent for his Lande, and I in the meane time haue no allowance for my money? Is there reason that I should lende my money, and by lending make it another mans without recompense? Shall I make that which is mine owne another mans, and transferre the propertie thereof from my selfe to another, and not require some gaine for it, when they haue gaine by it? Is it reason that I shoulde forbear my money to mine owne hinderance, and others liue

E

by that

by that which is mine? *Si quis diuiti mercatori pecuniam suam vtendam dedit.* And so *Galasius* and *Simlerus* saye also, May hee not receiue part of the gaine which is made by the vse of his mony? And these same Authors goe on, Certaine Orphanes, saye they, haue a stocke left them, which will soone bee spent, if they should liue onelie on the stocke: may not their Tutor or Guirdane put out their money to them which may make some vse by the profite thereof? *Ad res necessarias pupillo subministrandas. Eadem ratio est exulum, & peregrinorum,* sayeth *Simlerus*, which are not to vse anie traffique in forraine partes, where they sojourn, and so can haue no maintenance but by the vse of their stockes. Yea, hee goeth further, *Contractus ubi frater non leditur charitati non repugnat:* And therefore I conclude this point also with the wordes of the saide *Galasius*, *Quare non video. &c.* Wherefore I see no reason, sayeth hee, wherefore wee should condemne *omne pecunia emolumentum, sine usuram sine exceptione.*

Thus haue you so briefelie as I coulde digest the Definition of that Ciuill actuall Usurie, together with the chiefe authorities of *SCRIPTURE* and other inferior authorities from Councelles, Fathers, and Lawes, and the chiefe argumentes from Nature and Reason, wherewith the seuerest examiners of Usurie woulde presse her to death. Yow haue also the answeres that are made in behalfe of Usurie, and their judgements that thinke vnjust and vnequall contracts for gaine to bee vnlawfull, but cannot endure that all
 contractes

contractes of lending for gaine should bee altogether condemned.

Nowe, as wee begunne, the drift of all is this, That wee our selues may bee confirmed in the point what is lawfull and what vnlawfull. To which effect, although you neede not anie aduise from mee, yet I will shewe you what I my selfe haue resolued concerning this point, *Medio tutissimus ibis*. Euen as in nature opposites meete not without a middle nature, so in moralitie vertue and wit touch not without some indifferent thing. Iudicious *Caluine*, that thought Usurers, *qui usuram tanquam artem profitebantur*, yet he permitteth some contracts neare vpon it with these cautions: First, *Ne erigatur ab exigente*, that no profite bee taken of the needie, or them that bee vrged to borrowe vpon necessitie: but that men shoulde furnish such in their neede freelic. 2. That the rule of C H R I S T may bee euer the touch-stone, to deale no otherwayes than thou wouldest bee dealt withall in this same case. 3. That the borrowers gaine may bee more than the interest. 4. That wee neuer exceede the extent set downe in the Countrey or Commonwealth where wee liue.

Doctor *George Dounhame*, in his Lectures vpon the fifteenth Psalme, hee is also as large as anie other in defyning Usurie, and laying open cloaked Usurie, sometimes cloaked vnder selling and buying, sometimes vnder letting and hyring, sometimes vnder exchanging and interest, sometimes vnder societie and partnership, sometimes vnder mortgage and buying

of Rentes, and is so seuerer, that hee cannot abide permission of Usurie in the behalfe of Orphanes: Yet in the 108. and 256. pag. hee alloweth buying and selling of Rentes after the rate of twentie yeeres purchase, and granting a couenant of releasing the Rent when the Seller shall redeeme it, called *Contractus emptionis, & venditionis annui census cum conditione reuenditionis*.

Concerning which Doctor LUTHER is diuerslie distracted: for in the conclusion of his TREATISE *De Vsura* hee sayeth, *Emptionem redditus cum pacto de reuendendo non esse usuram*. But writing on the fifteenth PSALME, hee exclaimeth against it as a brood of Antichrist. Yet Doctor GEORGE DOVNNAME wisheth, That this contract of redemption, first deuised at ROME, and after allowed by CHARLES the 5. Emperour, in a Dyet helde at AVGVSTA, he wisheth that this contract might bee approoued by Parliament in ENGLAND, and Usury altogether discharged: or if it cannot bee forbidden, yet stinted at sixe, rather than ten in the hundreth.

Master Fenton, who of late did set forth a Treatise against Vsurie, yet hee justifieth such contractes and dealings with money for money, as may stand vpon just and equall groundes, particularlie Interest which is due when a mans money is retained from him to his detriment: againe, buying and selling for time, if by ordinarie course of seasons the commoditie may bee more worth at the daye of the payment of the money, than it was at the time of the seale and deliuerie.

Againe,

Againe, reall exchange, when men giue profite for money, which they are to receiue in another Countrey: and diuerse other such pointes doeth hee permitte.

Amiddes such varietie of judgements, and diuersitie of causions and permissions this is my resolution, It is good to take heede, and knowing there is a sort of Vsurie condemned by **G O D S** Lawe, abhorred as a Monster of Nature, censured by the **P H I L O S O P H E R S**, who had no more but the light of Nature, and restrained by the Lawes of all Nations: Therefore to keepe aloofe it is the best, and not to ride too neare for feare of falling into the Ditch.

Vsurie, it concerneth three parties, as Master *Fenton* sayeth, in his second Booke, Cap. 15. pag. 103. namelie, The Lender, the Borrower, and the Commonwealth. First, the Lender hath chiefe lie to regard the causions premised, as *Iohn Calvin* sayth, *Ne exigatur ab exigente*. Secondlie, that hee neuer exceede the stint set downe in the Countrey where hee liueth. And thirdlie, that in all Bargaines hee haue the royall Lawe before his eyes, which sayeth, *Doe as you would bee done vnto*. Beware of taking forfeites, where hee hath no damage, selling aboue rate for time, or seeking anie vnlawfull gaine, vnder what shift or cloake soeuer.

And for the Borrowers, whether they bee poore or rich: To the poore, it is alwayes of necessitie, **N E S S E C H**, that is, byting Vsurie, deryued from **N A S C H A C H**, vvhich signifieth to byte: and againe, likewise it is a vvorde vvhich verie often

times in *SCRIPTURE* is ascribed to the byting of Serpentes. The poore that borroweth had neede take heede that Usurie doe not sting him as a Scorpion, or rather as *Chrysostome* sayeth vpon the fifth of *Matthew*, like the Serpent *Aspis*, who is stinging, casteth a man into a pleasant sleepe, and so killeth him.

Though it may seeme to quench and coole their thirst for a time, yet as water cast on lyme, it vwill kindle and inflame them the more. The byting of Penurie will not bee healed with the byting of Usurie, *καὶ τὸ τραῦμα τραυματίζεται ὀφειλή*, sayeth *Basil*. No man healeth one wound with another: so that the poorer sort haue neede to beware of Usurie: it is also dangerous for the rich. *Linie*, in the first Booke of his *Decads*, doubted not to say, *Vsura damnosissima est etiam diuitibus*: they will smart for it that vseth it, though they be rich: and therefore *Plutarch* auoucheth, That *Iupiter Etesius*, so called because hee is owner of all, he cannot saue that man that will rather borrowe vpon Vsurie, than sell his owne goods to serue his owne turne.

Last of all, for the Cōmonwealth, it is plain, the more Vsurers the greater burthen for the Countrey: It is not good for a hyue to nourish Drones: and therefore Master *John Caluine* coulde not abide them that made a trade of it. But what if one shoulde reason thus, It were the better for the Commonwealth, if there were none tolerated to lende to Vsurie, but such as were knowne to bee of the trade. As for that argument, Master *Fenton* vseth, There is no Trade in a Citie but

tie but should haue a companie, *Nusquam est qui ubique est*, sayeth hee : this maketh Vsurers to bee of euerie companie : since such are rich and wise, and verie sufficient euerie way for a Trade, Master *Fenton* maruelleth, that there is not a companie of Vsurers, and that none will grant themselues free of that companie : Hee thinketh Vsurie is so odious, that euen they vvhovseth it are ashamed to bee called such. But his question may bee otherwayes answered, and his first position, That euerie Trade in a Citie should haue a companie, maye stande good : And this is my principall ouerture, and I wish it heartilie might bee brought to passe, that none were permitted to lende for vse, but a certaine number of certaine companies, and those limited to a reasonable rate, and all other rates strictrie forbidden vnder paine of forfeiting their whole estate. I could wish withall, that such restrictions there were of the parties that take vse, as you heard were vsed in the *Romane* Law: the highest that ventures not by Sea, permitted not more than eight in the hundreth, Gentlemen but foure, others of the mid condition, sixe : and all these reduced to companies, and euerie companie enjoined to keepe a register of all their proceedings.

So these *Montes Charitatis*, Bankes of Money, might, bee kept for helping of them that haue necessarie vse for money, and that such for want of money should not bee driuen to make vvorse bargaines.

Againe, they vvhov take the vse may bee knowne, and vvhat summes of money they let foorth, and so

might bee taxed accordinglie, as other Subjectes are, when the Prince and Commonwealth shoulde haue neede of their Subsidie: yea, paye the Tenthes of their encrease and gaine to bee employed in *pious vsur.*

In this case wee should haue fewer Drones, and the Commonwealth, in my simple judgement, should doe better than it doeth. So Doctor WILLET, on the *xxii.* Chap. of *Exod.* concluding the weightie question of *Vsurie*, as hee calleth it: If those rules and cautions before prescribed were obserued, sayeth he, wee should haue the fewer *Vsurers*, and nothing so manie, or none at all, eaten vp and deuoured vvith *Vsurie*.

But to leaue the Commonwealth to the wise gouernement of them to whome it is committed, vvee may perceiue that *Vsurie* will prooue vnlawfull to the Lender without cautions, and dangerous to the Borrower, if hee make a custome of it, and cannot otherwayes but bee prejudiciall to the Commonwealth, till such bee reduced into companies, limited and kept in by restrictions, and knowne what they are, and what summes they vse.

Yet for all this, to vrge the matter so farre as you shewed mee was vrged, I thinke it not safe, in regarde of the diuerse judgements of so rare and iudicious Diuines. Sure I am, Diuines haue a large fildē to walke in, and may spende their time better than presse such pointes so farre.

To conclude, as one sayeth of ciuell Lawes, If they

they bee tootoo precise, they are as newe wine put into an olde vessell, the vessell will bee bursten, and the wine bee lost: so saye I of such doctrine, it shall neuer perswade, or if it doe perswade some of tender consciences, that cannot weigh such argumentes in the ballance of sound judgement. Yet this perswasion shall but benefite these of a contrarie minde, as wee reade of the Vsurer at L O N D O N, who commended his sonne that had made a Sermon at PAVLES Crosse against Vsurie, and rejoyced much that hee had such a sonne: And his reason was, hee thought he shoulde fare the better, if all others then present would hearken to the Sermon: which I doe not repeate, allowing the hardnesse of their heartes, that cannot bee mollified with the sweete showers of the Gospell.

But to the ende that wee who are trusted with the counsell of G O D, shoulde beware to deliuer anie point where wee haue no sure ground, lest ensnaring the consciences of the weake, others take the greater libertie, yea, that Trueth it selfe bee the lesse regarded, when it is mixed with error.

It is manifest, that manie of our owne coate doe take vse for money: yea, it is the generall practise of the Clergie men in North BRITTANE, euen of them of the precisest sort, as I haue beene often informed. Why may it not then bee casten in our teeth, that wee laye burthens on other mens shoulders, which vvee our selues are loth to beare: and require dueties of others, wherein wee are taken tardie our selues.

So to conclude with the wordes of Master I O H N CALVINE, in his 383. Epistle, where hee sayeth, *Cum usuras in genere non damno non omnes etiam, promiscue probo.* To forbiddeall Usury (as in the dayes of King E D W A R D the Sixth) it were to cutte off all Traffique, and the onelie waye to make damned and byting Usurie abound. There may bee, *Pactum ex mutuo lucrum*, and the Borrower rather benefited than hurt, when on the other side hee may bee bitten and stung by other couenantes, which no Lawe can defende: for there is no Usurie so byting, as cloaked Usurie, cloaked vnder buying, selling, letting, hyring, &c. Poore men wanting money, when they cannot borrowe it vpon honest conditions, are forced to sell for halfe value. Againe, constrained to take an Horse or a Cowe, or some other commoditie, at an vnreasonable price, which they cannot sell againe without losse: or to take a Lease, or hyre an House, of him of whome they bee borrowers, giuing sometimes thrice more than it is worth, and so foorth of the rest. Vnto such harde straites are men driuen, when they cannot borrowe for a reasonable vse: then vnconscionable Masters and Marchandes take them at a vantage, and stinges them with a witnesse.

Thus the forbidding of all Usury, is the very maintaining of damned Usurie: and therefore that which is lawfull, in my conceit, should bee approoued, and the restrictions and stintes clearelie sette downe and nominated.

And thus haue you, sobriefelie as I coulde sette it
downe,

downe, what I thinke concerning this point so much debated, which mine other Affaires, beeing as you knowe in daylie employment, woulde not suffer mee to handle more accuratelie. But, and if these matters bee vrged newlie againe, and farther questioned, I will doe what I can to perswade my Fellowe-Labourers and next Neighboures, W. W. and T. C. men of mine owne coate, and more skilfull in the practise than my selfe, and haue greater leasure to doe it, to put foorth a larger Treatise, wherein they shall handle euerie argument, and answere euerie objection to the full. In the meane time, I commend you to Almighty G O D his protection, requesting you to remember mee also in your Prayers: And so I rest.

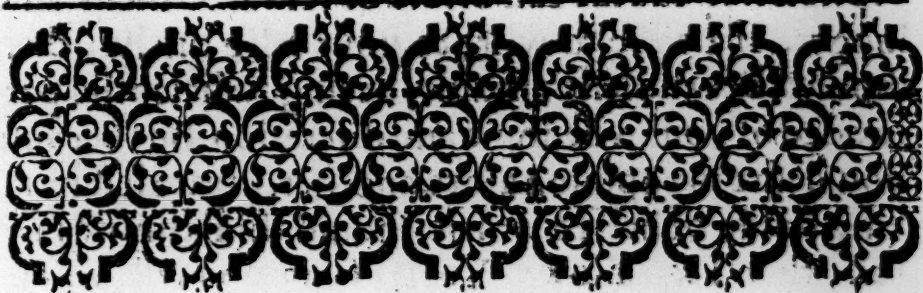
Your louing Friende,



22
The first of the
republicans and the
constitutional convention
of 1846-47 was
held at the
city of St. Louis
and the
constitution was
adopted on
September 17th
1847.

The constitution of
the state of Missouri
was adopted on
September 17th
1847.

The constitution of
the state of Missouri
was adopted on
September 17th
1847.



AN EPISTLE OF
 THAT REVEREND
 and judicious Diuine, Master
 IOHN CALVINE, *touching*
 Vsurie: Faithfullie transla-
ted out of LATINE.

EPIST. 3. 83.



Haue not hithertoe
 my selfe attempted the resolu-
 tion of this question: yet I per-
 ceiue by that which other men
 haue done, that it is a perillous
 piece of vvorke: for if wee
 condemne Vsurie altogether,
 then doe wee laye a heauier
 burthen vpon mens conscien-
 ces, than GOD himselfe doeth in his vvorde: But
 and if wee yeelde neuer so little, presentlie vnder this
 colour a great sort will take such libertie, that no ex-
 ceptions

ception nor caueat can bridle or reſtraine them anie longer. If I were to write to your ſelfe onelie, then ſhould I bee the leſſe affraide, beeing ſufficientlie perſwaded of your wiſedome and diſcretion. But becauſe you deſire my opinion afore another, I feare leſt he taking holde of halfe a worde, ſhould thinke more lawfull, than I can allowe. Yet truſting you will wiſelie foreſee what his inclination is, and conſider by your ſelfe vvhhat is moſte expedient, and howe farre it is beſt to proceede with him in the buſineſſe, I vwill goe on, and laye open my minde vnto your ſelfe.

And firſt of all: I cannot ſee **U S V R I E** altogether condemned by anie teſtimonie of **S C R I P T V R E**: For the vvordes of **C H R I S T** ſo commonlic alleadged out of the ſixth Chapter of **L V K E** and the 35. verſe, *Lende one to another, looking for nothing againe*, are but vvreſted and miſapplied to this purpoſe: For as in another place, marking the goodlie Feaſtes, and the pompe of rich men, vvhen they feaſted one another, hee deſired them rather to bidde the Blinde, the Lame, the Poore, and thoſe that laye in the ſtreetes, to their Feaſtes, who were not able to bidde them again. Such like in the place aboue named, **C H R I S T** deſirous to correct the like abuſes, in lending, he telleth them plainelie, They ſhould doe beſt to lende to ſuch as of vvhome there vvvas leaſt hope to receiue or recouer anie thing againe.

It is our cuſtome forſooth, firſt of all to foreſee that our money bee put in ſure handes, vvhen vve ſhoulde rather helpe them that are in moſte neede, vvho com-
monlic

monlie can finde vs least securitie. CHRISTES vvordes, therefore, are to bee construed as a commandement to lende to the poore, rather than to the rich. And so for all this, wee see not Usurie altogether forbidden.

Nowe, as touching that Lawe of *Moses* alleadged (*Deut. chap. 23. vers. 19.*) seeing it is but a Politicke Lawe, wee are no farther bound by it than it is agreeable vnto equitie and humanitie. It were to be wished, that all Vsuries, yea, the verie name had bene banished long agoe out of the worlde. But since this cannot be brought to passe, it resteth to see what may stand with the common good.

There are yet other places of Scripture in the Prophets and Psalmes, where the Holy Ghoste speaketh bitterlie against Vsuries: (*Psal. 55. vers. 11.*) for so the Prophet describeth the wicked Citie, that Usurie departed not from her streetes. But the Hebreweworde in that place intimating anie kind of deceit, it seemeth it shoulde not bee taken in so strict a signification: yet giuing it were so, that the Prophet in that place speaketh particularlie of Vsuries, it is no maruell, that taxing other euilles which abounded, hee toucheth this with the rest. For where money is lette out to Usurie, crueltie, guile, and sundrie sortes of deceites, they are for the most part inseperable companions: so that by the contrarie it is reckoned out among other the praise of an holie and godlie man, That hee hath not giuen his money to Usurie: (as ye may reade in the fifteenth PSALME and the fifth verse) so rare a thing it is to see a

Usurer a good man. But the Prophet **EZECHIEL** goeth yet farther: for whilest hee reckoneth out the abominations for which the wrath of **GOD** was kindled among the **IEWES**, hee vseth two sundrie vvordes, of vvchich the one signifieth Vsurie, and is deryued from a certaine Verbe, which doeth also signifie gnawing or byting, and the other signifieth encrease or augmentation: for so euerie man was given to his priuate gaine, that hee either cunninglie made his owne profite by his Neighboures losse, or if not so, yet hee made it by violence. And yet it is certaine the Prophets they spoke the more hardly against Usuries, because Usuries were particularie forbidden the **IEWES**: When they, therefore, did transgresse the expresse Commandement of **GOD**, they deserued the more sharper reproofe.

Ezech.
22. 12.

As touching that which is heere yet objected, That there is the same reckoning to bee made of our conjunction among our selues: as of the conjunction that was among the **IEWES**, and so the same forbidden of Vsurie, should bee still in force among vs. I answer, That as concerning ciuill conjunction, there is some certaine difference: First, for the verie circumstance of place, where the **LORD** seated the **IEWES**: Againe, diuerse other circumstances serued so, that they might easilie entertaine Traffique among themselves, without Vsurie: But our conjunction at this time is not euerie waye answerable. Wee see not, therefore, that Vsurers are so simplie forbidden, but onelie so farre as they are repugnant to equitie and charitie.

charitie. The reason of AMBROSE, vvhich CHRYSOSTOME alleadgeth, it is also of small force, to vvitt, That *Money doeth not begette Money*. I praye you vvhat doeth the Sea? What doeth an House, by letting whereof I receiue a yeerelic rent? Is the money engendered properlie of the Roofe and Walles? But wee see that both the Earth bringeth foorth, and there is also brought in by the Sea, that which afterwarde bringeth money: and the commoditie of a dwelling place is wont to bee purchased by money, or changed with money.

Nowe and if there maye bee more gaine made by Trading than by the encrease of anie Grounde, shall that man bee suffered that hath lette (it maye bee) a barren Grounde vnto a Husbandman, out of the which hee rayseth encrease or rentes? And shall hee not bee abidden that receiueth anie profite of his money? Againe, hee who purchaseth a piece of Grounde with money, doeth not that money begette other yeerelic money? From whence also commeth the Marchandes gaine? Thou mayest answer, It commeth by his owne diligence and industrie. Who doubteth of this? But ydle money is altogether vnprofitable: Neither if anie man doe desire to borrowe money of mee, thinketh hee to let it lye ydle by him. The gaine, therefore, proceedeth not of the money, but of the encrease.

Those reasons then, howsoeuer they maye seeme subtile, and make some prettie shewe, yet vvhen
G they

they are more narrowlie considered, they euanishe awaye to nothing.

I conclude, therefore, that wee must not judge of Usurie by anie particulare place of **SCRIPTURE**, but onelie by the rule of Righteousnesse. I vvill cleare this yet by an example: Suppose that there is a rich man, that hath manie Landes and great Rentes, and yet hee is bare of money: And suppose another againe to haue a reasonable good estate, though not to bee compared to the first in Landes, yet hath greater store of ready Coyne: Now this last being very desirous to buye a piece of Ground with his money, and hee is requested of the first that hee would lende him some money: Hee that is to lende hee maye drawe such couenantes for the vse of his money, that the Lande mortgaged may bee assured to him, vntill his money beerendered againe: (and in so doing taketh no ill course for himselfe:) yet getteth nothing out of the Lande, but contenteth himselfe with his monies vse: Why nowe shall the contract made for the vse of the money alone without a pledge, shall such a contract bee condemned, and this which is an harder bargaine, both by taking the Landes mortgage, and a yeerelie rent withall, shall this bee allowed? What other thing is this, but like Children, to dallie with **G O D**: disputing about wordes, but not judging according to the right meaning of them, as if vertues and vices were to be decerned by the fashion of wordes.

But

But I minde not to diue anie more in this Argument at this time : I thought good onelie to point at that which you may better consider of by your selfe. In the meane time, call to remembrance, that the question is of the matter it selfe, and not of wordes.

So hauing laide the foundation , I come next to the exception : and heere there is good heede to bee giuen : for manie snatching at halfe a worde , what dare they not doe ? taking farre greater libertie to themselues, than is indeede fitting. Let this therefore bee principallie remembred, that as I condemne not all Usurie vniuersallie , so I cannot confusedlie approoue all, neither yet doe I allowe such who make a trade of Usurie, as of a lawfull and gainefull calling. Last of all, I thinke vse for money may bee lawfullie taken, with these Caueates ensuing, but otherwayes cannot bee lawfull.

TH E first Caueat is, That Vse bee neuer required of needie and poore men, nor that anie that are in necessitie and miserie bee compelled to pay Vse.

II. That hee who lendeth bee not so addicted to his gaine and profite, that in the meane time hee leaue that vndone which necessarilie hee is bounde to take heede to: namelie, beware that in taking securitie for his money, he haue no regarde of his poore brethren euen in lending to them.

III. That there bee no condition insert, or put in the couenant of lending, but that which agreeth with naturall equitie, and is agreeable with CHRISTs commandement, to wit, *Whatsoever ye would haue men doe to you, doe yee likewise the same to them.*

IV. That hee who borroweth, whether he traficke with the money, or bee a Workeman, that hee may gaine so much, or rather more, by the money, than hee that lendeth.

V. That we thinke not any thing to be good and right, because it is customably vsed to be done: neither yet measure equitie it selfe, by the partialitie of men, but by GODS vvorde alone.

VI. That we respect not that priuate mans good alone, with whome wee haue to doe, but regarde also what may bee expedient for the Commonwealth: for the Vsurie which Marchandes paye, it is a publicke tribute. There must a care, therefore, bee had, that the couenantes bee drawne as maye stand rather with the good, than hurt of the Commonwealth.

VII. That we exceede not the measure or extent of the vse agreeed vpon in anie Countrey or Commonwealth. Neither is it fit, that wee alwayes exact so much as is permitted: for that is often suffered, which by no Ciuill Ordinance can bee amended,
or re.

or restrained: The rule of righteousness is therefore first of all, and chieflie to bee regarded, which maye chop off whatsoeuer is in the other redundant and more than enough.

Nowe I am so farre from desiring of you, that that which I haue said, may stand for ordinances and positions, that I desire nothing more than that all men may bee so courteous, as I shall not neede to handle this argument from hence forth any more. In the meantime I haue described these things so brieflie, rather in some sort to pleasure you, than that I would haue you so to rest satisfied, you of your good will, which you beare mee, I hope will take in good worth what I haue done, and salute your Brother in my name. The *Lord* haue you and all your Familie in His protection.

F I N I S.

